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NOTE

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2548th MEETING

Held in New York on Thursday, 16 August 1984, at 10.30 a.m.

President: Mr. Léandre BASSOLE (Burkina Faso)

Present: The representatives of the following States: Burkina Faso, China, Egypt, France, India, Malta, Netherlands, Nicaragua, Pakistan, Peru, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Zimbabwe.

Provisional agenda (S/Agenda/2548)

1. Adoption of the agenda

2. The question of South Africa:
   Letter dated 8 August 1984 from the Permanent Representative of Algeria to the United Nations addressed to the President of the Security Council (S/16692)

The meeting was called to order at 11.10 a.m.

Statement by the President

1. The PRESIDENT *(interpretation from French):* Today is an extraordinary day. It is the day when, having become a Member of the United Nations on 20 September 1960, my country has for the first time during its history as an independent, free and sovereign nation acceded to the presidency of the Security Council.

2. At this solemn moment it is my great honour to convey to the Council, and through it to the entire world, the message of peace of the people, the National Council of the Revolution and the Revolutionary Government of Burkina Faso. Aware of the lofty and delicate responsibilities borne by the President of the Security Council, my delegation intends to discharge those responsibilities fully and to be present wherever and whenever international peace and security are being discussed.

Expression of thanks to the retiring President

3. As this is the first meeting of the Security Council for the month of August, I should like at the very outset to pay tribute to Mrs. Jeane Kirkpatrick, representative of the United States, for the great diplomatic skill and courtesy with which she conducted the business of the Council last month. I am sure I speak for all members in expressing our admiration and deep appreciation to Mrs. Kirkpatrick for her service as President of the Council for the month of July.

Adoption of the agenda

The agenda was adopted.

The question of South Africa:
Letter dated 8 August 1984 from the Permanent Representative of Algeria to the United Nations addressed to the President of the Security Council (S/16692)

4. The PRESIDENT *(interpretation from French):* I should like to inform members of the Council that I have received letters from the representatives of Algeria, Argentina, Czechoslovakia, Nigeria, South Africa and Thailand in which they request to be invited to participate in the discussion of the item on the agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in conformity with the relevant provisions of the Charter and rule 37 of the provisional rules of procedure.

At the invitation of the President, Mr. Sahnoun (Algeria) took a place at the Council table; Mr. Muñiz (Argentina), Mr. César (Czechoslovakia), Mr. Onobu (Nigeria), Mr. von Schirnding (South Africa) and Mr. Kasemsri (Thailand) took the places reserved for them at the side of the Council chamber.

5. The PRESIDENT *(interpretation from French):* I should like to inform the members of the Council that I have received a letter dated 15 August from the Acting Chairman of the Special Committee against *Apartheid* which reads as follows:

> "I have the honour to request the Council to permit me to participate, on behalf of the Special Committee against *Apartheid*, under the provisions of rule 39 of the Council's provisional rules of procedure, in the Council's consideration of the item entitled 'The question of South Africa'."

6. On previous occasions the Council has extended invitations to representatives of other United Nations bodies in connection with the consideration of matters on its agenda. In accordance with past practice, I propose that, pursuant to rule 39 of its provisional rules of procedure, the Council extend an invitation to

the Acting Chairman of the Special Committee against *Apartheid*.

At the invitation of the President, Mr. Bhatt, Acting Chairman of the Special Committee against Apartheid, took a place at the Council table.

7. The PRESIDENT *(interpretation from French)*: I should like to inform the members of the Council that I have received a letter dated 15 August [*S/16698*] from the representatives of Burkina Faso, Egypt and Zimbabwe the text of which reads as follows:

> "We, the undersigned, members of the Security Council, have the honour to request that during its meetings devoted to consideration of the item entitled 'The question of South Africa' the Security Council extend an invitation under rule 39 of its provisional rules of procedure to Mr. Mfanafuthi J. Makatini, representative of the African National Congress of South Africa."

If I hear no objection, I shall take it that the Council agrees to the request.

It was so decided.

8. The PRESIDENT *(interpretation from French)*: I wish to inform the members of the Council that I have received another letter dated 15 August [*S/16699*], from the representatives of Burkina Faso, Egypt and Zimbabwe, which reads as follows:

> "We, the undersigned, members of the Security Council, have the honour to request that during its meetings devoted to consideration of the item entitled 'The question of South Africa' the Security Council extend an invitation under rule 39 of its provisional rules of procedure to Mr. Ahmed Gora Ebrahim, representative of the Pan Africanist Congress of Azania."

If I hear no objection, I shall take it that the Council agrees to the request.

It was so decided.

9. The PRESIDENT *(interpretation from French)*: This meeting of the Council has been convened in accordance with the request made by the representative of Algeria on behalf of the Group of African States, contained in a letter dated 8 August [*S/16692*] addressed to the President of the Council. I should like to draw the attention of members of the Council to document S/16319 which contains the text of a note by the Secretary-General drawing attention to paragraph 6 of General Assembly resolution 38/11 of 15 November 1983.

10. I call upon the first speaker, the representative of Algeria, who wishes to make a statement in his capacity as Chairman of the Group of African States for the month of August.

11. Mr. SAHNOUN (Algeria) [*interpretation from French*]: Allow me, Sir, to convey to you, on behalf of the Group of African States and in my own name, heartfelt congratulations on your assumption of the presidency of the Council for the current month. I am particularly pleased to do so, since you represent a fraternal country, Burkina Faso, whose staunch commitment to freedom and dignity makes you very well placed to understand the tragedy of the people of South Africa. We are aware of your qualities as skilled diplomat and are convinced that you will with competence and calm make the Council face up to its responsibilities in the common struggle against *apartheid* and for restitution of the national rights of the people of South Africa.

12. I should also like to congratulate your predecessor, the representative of the United States, who so ably conducted the deliberations of this body last month.

13. Finally I should like very sincerely to thank you, Sir, and the members of the Council for having kindly invited me to address this body as Chairman of the Group of African States.

14. The Council is meeting today to consider the serious situation prevailing in South Africa following the decision of the Pretoria leaders to impose so-called constitutional reforms that seek to entrench and perpetuate the *apartheid* system.

15. Seriously disquieted by the resistance of the oppressed people of South Africa and their national movement, and internationally isolated because of the policy of *apartheid*, the Pretoria régime has now taken recourse to constitutional ploys accompanied by a massive propaganda campaign to dull the vigilance of the international community.

16. Thus on 2 November 1983 an exclusively white minority stated its position on a so-called constitution that would arbitrarily determine the fate of the vast majority of the people of South Africa.

17. Offered in the form of a euphemism which proves that that which is preposterous does not kill—as a "change in the right direction"—that constitution completes a political, juridical and police arsenal that makes the indigenous people non-persons. The South African blacks are not only unwanted in their own land, they do not exist. Thus they have been deprived of the first fundamental right of a man in his country, the right to citizenship.

18. According to this new constitution, endorsed —we are told—by a white electorate, 24 million South African blacks have suddenly been declared aliens in their own country. That text, faithful to the cardinal principle of *apartheid*, the hierachy of races, provides for the establishment of a so-called three-house Parliament: one for a so-called racial group, that is the

whites, one for those who are called Coloureds in Pretoria, and one for persons of Asian origin. As for the blacks, according to Pretoria they do not deserve to be called a racial group or to have any kind of representation. They have simply been disregarded because according to Pretoria they are aliens.

19. Under the terms of this constitutional charade, each house will discuss its own matters. However, the house for whites will be able to examine all questions, because everything that affects the country concerns them, whereas the Coloureds and the people of Asian origin will not be able to discuss any matter unless it has been previously approved by the white President of the State. Clearly these two racial categories referred to by Pretoria will never be able to threaten the power of the white minority, since seats have been distributed in such a way that the whites will always retain a parliamentary majority.

20. This, then, is *apartheid*'s new democracy, to which, unfortunately, the Governments of some Member States seem to accord some credibility.

21. Because of the division of power, constitutional bantustans are being offered to the Coloureds and people of Asian origin. Since the blacks of South Africa —the true people of that land—are destined one day to be dumped in so-called homelands, which are really concentration camps, it remains for Pretoria to find a spot for the other non-whites to prevent them from harming the power of the whites.

22. It is against this background that we should view the latest decision by the Pretoria leaders. Mindful of the danger of the struggle of the people of South Africa and the national liberation movement, the Pretoria leaders have thus had recourse to these constitutional manoeuvres to break the unity of the oppressed and to perpetuate the *apartheid* system.

23. An initial consequence of these so-called constitutional reforms is the legitimization of massive recruitment for the armed forces of the *apartheid* régime of those called Coloureds and of persons of Asian origin, who would thus unwittingly become the instruments of a policy of repression in the country and aggression against the Namibian people and the people of the independent African States.

24. This new text does not open up the way to any constructive change, as some might believe. In the past Pretoria has always had recourse to legislative and constitutional manoeuvres to strengthen and consolidate its policy of racial segregation and to intensify its oppression of the people of South Africa.

25. That was true of the 1909 South Africa Act, which placed power in South Africa in the hands of a white minority and deprived the African majority of its basic rights.

26. Since 1948 the institutionalization of *apartheid* has been implemented through other legislative acts, including the Group Areas Act, which established segregation in places of work and residence, the Population Registration Act, which divided the people into racial categories, the Bantu Homelands Citizenship Act, whereby blacks are dumped in Bantustans, the Prohibition of Political Interference Act, which prohibited multiracial political parties, the pass laws and the so-called 1961 referendum on the republic of the whites.

27. It is clear that the new constitution is merely another link in a long chain intended to strengthen the *apartheid* régime and to perpetuate domination by the white minority.

28. The ideology of the Pretoria régime is such that we cannot hope to get the leaders of that régime to join in constructive dialogue likely to lead to a change in its anachronistic structures. To cherish any illusion as to any domestic change in that country by means of dialogue without discarding the racist ideology itself would be merely a negative exercise and would but entrench the structures of oppression.

29. It is in this context that we must view the latest constitutional manoeuvring by Pretoria.

30. In the present ideology, for Mr. Botha as for his predecessors, there can be no South Africa without total white supremacy.

31. Need we refer to statements of these leaders, including Mr. Verwoerd, to be convinced that *apartheid* means exclusive monopoly on power? Indeed, in the words of Mr. Verwoerd:

> "We want South Africa to remain white. Keeping it white can mean only one thing: guaranteeing domination by whites, guaranteeing them not only the leadership and the guidance of the country but also control and supremacy."

32. Need we also refer to Mr. Vorster to be convinced that *apartheid* means political domination? He said:

> "We need the blacks because they work for us. But the fact that they work for us can never authorize them to claim political rights—not now, not in the future, not in any circumstances."

33. Finally, Mr. Botha himself said:

> "The Republic of South Africa is a white State. The blacks belong to another nationality ... that of the homelands."

34. Hence, as a dogma of racial supremacy and of exclusive monopoly on power, *apartheid* exceeds all the notions of domination and racism touted by other systems throughout history.

35. In the ideological publication *South African*, the following was stated in 1977:

> "In the nineteenth century the black peoples found themselves in the sphere of influence of the whites, who felt obliged to apply *vis-à-vis* the blacks a policy of responsible trusteeship."

That publication also spoke of historic heritage and even of a veritably divine mission that a reading of the Holy Scriptures—surprising, to say the least—would thus confer on the white race in South Africa: "a sacred duty to guide and civilize the black peoples". The white race could not allow itself to have any contacts likely to sully it; hence the legislation on sexual restrictions, such as the 1927 Immorality Act. In 1983, 169 South Africans were brought before the courts to answer charges of "immorality".

36. In addition, this same divine mission has turned all South African territory into a potential promised land, thus making it a divine right to lay claim to any corner of that territory at the whim of the leaders of *apartheid*.

37. This racist *apartheid* ideology cannot be amended or become bearable by dint of a few reforms when its basic tenets are kept intact. The oppressed people of South Africa, which has been denied its own identity and banished from its own homeland, has clearly grasped the scope of this "constitutional reform" and unreservedly condemned it, as borne out by the current demonstrations by students of the Western Cape University.

38. Africa, which considers *apartheid* as an affront to the dignity of all its peoples, has strongly condemned this so-called constitution. In a statement issued on 4 November last the Organization of African Unity (OAU) declared:

> "Lest the international community be confused by the event that has taken place in South Africa, the OAU wishes to remind all freedom-loving peoples, as well as believers in the principles of human equality, that the referendum and the so-called reforms are a gigantic constitutional hoax designed to deceive the international community while in fact the so-called reforms are meant to perpetuate *apartheid* ...
>
> "This is the reason why the OAU vehemently denounces and rejects these so-called reforms."

39. At its Seventh Conference of Heads of State or Government of Non-Aligned Countries, held at New Delhi in March 1983, the Movement of Non-Aligned Countries

> "unreservedly condemned that act as yet another device to divide the oppressed people of South Africa and consolidate and perpetuate *apartheid* and white minority rule." [See *S/15675 and Corr.1 and 2, annex, p. 22.*]

40. In a similar surge of solidarity, the international community, which has declared *apartheid* a crime against mankind, clearly expressed its opinion in paragraph 1 of General Assembly resolution 38/11, declaring that

> "the so-called 'constitutional proposals' are contrary to the principles of the Charter of the United Nations, that the results of the referendum are of no validity whatsoever and that the enforcement of the proposed 'constitution' will inevitably aggravate tension and conflict in South Africa and in southern Africa as a whole".

41. *Apartheid* cannot be reformed; it must be rooted out. It is imperative for the international community to keep up pressure on the Pretoria régime in order to impose the restitution of the legitimate rights of the South African people.

42. The Group of African States is convinced that the Security Council, like the General Assembly, will reject the so-called constitution, as well as the results of the 2 November 1983 referendum, because they run counter to the purposes and principles of the Charter of the United Nations.

43. As the custodian of international peace and security, the Council must also clearly indicate to the Pretoria régime that the implementation of this "constitution" by means of an electoral charade will inevitably aggravate tension and conflict in South Africa itself and throughout southern Africa.

44. This so-called constitution must be categorically rejected, since it leaves the very structures of *apartheid* intact and institutionalizes the exclusion of 24 million blacks from their fatherland.

45. Only the total eradication of *apartheid* and the establishment of a democratic non-racial society based on the free exercise of universal adult suffrage by all in a united and unfragmented South Africa can lead to a just and lasting solution of the explosive situation prevailing in that part of our continent.

46. Mr. KRISHNAN (India): Sir, allow me first of all to congratulate you on your assumption of the high office of President for the current month. We are happy to see the representative of a friendly non-aligned country presiding. The noble sentiments conveyed in your opening remarks today, on behalf of the Government and the people of Burkina Faso, are not only a manifestation of your country's dedication to the Charter of the United Nations but will also serve to inspire our work in the Council.

47. Having had the opportunity of working closely with you, I have come to admire your eminent personal qualities and skill as a diplomat. It is, in a sense, particularly appropriate that the current discussion in the Council should be taking place under the stewardship of

a distinguished African like yourself, for nowhere is *apartheid* as burning an issue, as emotive and as painful, as in Africa itself. I have no doubt that the Council, guided by your wisdom and statesmanship, will be able to discharge its responsibilities in an effective and meaningful manner.

48. I should also like to take this opportunity to convey our particular appreciation to Mrs. Kirkpatrick, representative of the United States, for the dignified and effective manner in which she conducted the affairs of the Council during the month of July.

49. *Apartheid* is an issue which transcends territorial or geographical boundaries. No doubt, it is the oppressed people of South Africa and Namibia that feel the brunt of this abhorrent policy. Equally without doubt, it is the entire African continent that agonizes and stands against it and strives to eradicate this curse from its soil. However, in the ultimate analysis and by its very nature, *apartheid* is an offence against all humankind. It represents a challenge to the universal concepts of human dignity and equality among men. As the General Assembly has so aptly proclaimed, *apartheid* is a crime against humanity and a threat to international peace and security.

50. The Council meets today faced with a serious situation. Decades of effort, innumerable resolutions and decisions of the United Nations, and mankind's cries of outrage have not succeeded in making South Africa abandon its policies of institutionalized racism, so anachronistic and so revolting in the present age. With characteristic arrogance and scorn for the will of the international community, Pretoria has persisted in, and indeed consolidated, its policy of *apartheid*, not merely in South Africa itself, but also in Namibia, which the racist régime continues to occupy illegally. At the same time, the Pretoria régime has sought, with diabolical cleverness, to convey the impression that its policies are evolving in the direction of greater liberalization and enlightenment, and that peaceful change is afoot in South Africa: a kind of propaganda that has found echo in the capitals of some of South Africa's powerful friends and allies. Much to our regret and consternation, efforts are being made to shield South Africa from international isolation, and even to encourage it in its conduct.

51. For the people of South Africa and Namibia, the position today is no different from what it has been. A minority population reaps all the benefits that derive from its self-entrenched, privileged status. The overwhelming majority continues to suffer humiliation, degradation and poverty, deprived of the most fundamental of rights and repressed under a formidable military and police established. The abominable conditions under which the indigenous African population subsists in South Africa are known to all, and scarcely need reiteration. The fate of the people of Namibia is no better.

52. The so-called constitutional proposals of the South African régime, much advertised as "constitutional reforms", have elicited the strong reaction they deserve from the international community. The Seventh Conference of Heads of State or Government of Non-Aligned Countries, held at New Delhi in March 1983,

> "noted with indignation the introduction by the South African régime of so-called constitutional reforms and unreservedly condemned that act as yet another device to divide the oppressed people of South Africa and consolidate and perpetuate *apartheid* and white minority rule." [*Ibid.*]

53. In November 1983, soon after the endorsement of the so-called constitutional proposals by an all-white electorate in South Africa, the General Assembly adopted its resolution 38/11, declaring, *inter-alia*, that the so-called constitutional proposals were contrary to the principles of the Charter of the United Nations and that the results of the referendum had no validity whatsoever. The Assembly rejected the so-called constitutional proposals and all insidious manoeuvres by the racist minority régime of South Africa further to entrench white minority rule and *apartheid*. The Assembly further declared that only the total eradication of *apartheid* and the establishment of a non-racial democratic society based on majority rule, through the full and free exercise of adult suffrage by all the people in a united and non-fragmented South Africa, could lead to a just and lasting solution of the explosive situation in South Africa.

54. In defiance of the strong international reaction to the so-called constitutional proposals, South Africa has gone ahead with its plans and announced that separate so-called elections would be held on 22 and 28 August for segregated chambers of the so-called Coloured people and the people of Asian origin. It is on the eve of these impending grave events that the Council has been convened as a matter of urgency. We hope that the Council will send a powerful message that will serve to restrain the Government of South Africa. We also hope that the Council's action will encourage the concerned people of South Africa not to take part in these sham elections.

55. The position of the Government and the people of India on the question of *apartheid* is clear, consistent and unambiguous. It will be remembered that the father of our nation, Mahatma Gandhi, commenced his crusade against tyranny and injustice not in India but in South Africa. India was the first country to raise the issue of *apartheid* in South Africa at the United Nations, in 1946; that same year, we became the first country to impose comprehensive voluntary sanctions against South Africa.

56. With regard to the so-called constitutional proposals and the impending "elections", India's stand is clear. We believe that the elections scheduled for later

this month are nothing but a facade intended to mislead public opinion worldwide. Behind them lies the sinister motive of sowing discord between the Coloured and Asian communities on the one hand and the black majority on the other. It is transparently clear that the objective of this exercise is to gain tactical advantage for the racist régime by diluting opposition to *apartheid* abroad and thus reducing the pressure for political isolation and economic disinvestment. The ultimate aim of this charade is undoubtedly further to entrench *apartheid*, in the guise of reforming it. We believe, as our Prime Minister, Mrs. Indira Ghandi, has stated, that *apartheid* cannot be reformed; it must be ended. We welcome the massive and united opposition within South Africa to the "constitutional" manoeuvres being carried out by Pretoria. We are confident that the people of South Africa as a whole will not be taken in by them and will resolutely oppose them.

57. The international community will not be deceived by South Africa's recent attempts to portray itself in a different garb. The recent visit by the Prime Minister of the racist régime to several Western European countries and the so-called elections later this month are of a piece with this new strategy intended to gain international respectability. It is an irony of our times that some of the affluent and industrialized nations that proclaim their support for the cause of human rights, equality and justice in other parts of the world continue to collaborate with the racist Pretoria régime in various fields, which has the effect of emboldening that régime further to trample on the rights and dignity of its dispossessed majority population and helping it to withstand the pressure of international ostracism.

58. The policy of *apartheid* lies at the root of all the problems that have afflicted South Africa and the entire region of southern Africa for many decades. It has been held to be a crime against humanity. It constitutes the worst form of violence against the dignity of man. It is the moving force for the continued enslavement of the people of Namibia. In the region, it has been responsible for constant tension and strife, and has been the basis of repeated acts of aggression by South Africa against independent African States. *Apartheid* poses a clear threat to international peace and security, and any attempt to consolidate it must necessarily exacerbate that threat. The Council would do well to remind itself of this and to alert the world to the danger.

59. In conclusion, I should like to read out to the Council a special message sent by the Prime Minister of India, and Chairperson of the Movement of Non-Aligned Countries, Mrs. Indira Gandhi:

> "The new constitution under which the racist régime in South Africa has called for elections is designed to perpetuate a fraud on the people of South Africa and on the very spirit of liberty. The suggested levels of enfranchisement denigrate the self-respect of non-white communities and will continue to hold the majority of South Africans in thrall.
>
> "The entire Non-Aligned Movement stands with the people of South Africa in their struggle for human rights. I urge all people of South Africa, especially the black, Coloured and Asian communities, to strongly oppose the 'elections' which are meant only to divide and weaken the struggle against the abomination of *apartheid*."

60. Mr. SHAKER (Egypt) [*interpretation from Arabic*]: First, Sir, I congratulate you on your assumption of the presidency of the Council for the month of August. We are proud to see you, a representative of a friendly African State, whose friendship is so dear to us, guiding our work, especially since your diplomatic skills and great knowledge of international affairs are well known. We wish you complete success in presiding over the Council's work, as we consider the very important matter before us.

61. I also thank the President of the Council for the month of July, Mrs. Jeane Kirkpatrick, representative of the United States, for guiding the Council with wisdom and skill and without having to resort to open meetings.

62. At its previous session the General Assembly discussed what were then called constitutional proposals made by the Government of South Africa to grant to those whom the régime calls the Coloureds and those of Asian origin limited participation in South Africa's parliamentary life. On 15 November 1983 the General Assembly adopted resolution 38/11, which clearly showed that the international community considered those proposals merely a new step in the Pretoria régime's attempt to institutionalize and entrench the policy of *apartheid*. The General Assembly's condemnation of those proposals in its resolution was based on the fact that they ran counter to the principles of the Charter of the United Nations and were merely another manoeuvre to entrench white minority rule and *apartheid* in South Africa.

63. The General Assembly, in that resolution, called on all Governments and organizations to take appropriate action, in co-operation with the United Nations and the OAU, to assist the oppressed people of South Africa in their legitimate struggle for a non-racial democratic society. It requested the Security Council, as a matter of urgency, to consider the serious implications of the so-called "constitutional proposals" and to take all necessary measures, in accordance with the Charter, to avert the further aggravation of the situation in South Africa and in southern Africa as a whole.

64. As is well known, the resolution was adopted without any opposition. However, as we have become accustomed to seeing, South Africa paid no heed to the will of the international community. Rather, it continued with its plans. It is now preparing for "elections", which will take place at the end of this month, on the basis of the so-called amendments, which were approved in a referendum for whites only, despite the

clear refusal of what the régime calls the Coloureds and those of Asian origin.

65. The fact that the Council is considering this issue today is particularly important from Egypt's point of view. On the one hand, it shows that the international community is insistent in its rejection of the so-called constitutional amendments in South Africa and of the consequences and measures flowing from these amendments, and demonstrates that the Pretoria régime's insistence on continuing with its plans will not weaken the international community's opposition to the régime's racist policies and its many manoeuvres to implement them. On the other hand, today's meeting is also a response to the General Assembly's request in the aforementioned resolution that the Council should consider the issue. Egypt has always believed—and it expressed its stand when it joined the Council—that the Security Council is required to take up matters that the General Assembly recommends for its consideration.

66. The Government of South Africa is attempting to present the "constitutional proposals" to the world as real reforms. Is it possible to reform a system which divides rights and obligations between the population and divides people between masters and slaves on the basis of one criterion alone, the colour of their skin—on whether they are white, black, dark or a mixture? Is it possible to reform a system which deprives 70 per cent of the population—the rightful owners of the land—of their right of citizenship, and gives them 17 per cent of it, resulting in their living as prisoners in their own country—or, as one writer put it in an article in *The New York Times* on 24 June this year, as "exiles in their native land"? All this is happening while the minority are living in freedom on the remaining 83 per cent of the land.

67. Is it possible to reform a system in which a majority of the population loses its humanity to become merely a number on a pass whose loss means the owner's loss of his personality and rights, however meagre they may be? I would also like to evoke what the aforementioned article related about the suffering and humiliation to which the black citizen is subjected at 18 Albert Road, Johannesburg, when he goes through the necessary procedures to obtain that document so that he may work in the cities.

68. Is it possible to reform a system in which the downtrodden majority becomes merely another instrument which can be transferred from one place to the other in accordance with economic needs and with only one aim, which is to achieve maximum profit for the ruling minority? The *apartheid* régime cannot be amended and cannot be reformed. The only choice is its complete elimination. Officials in South Africa, the inventors of *apartheid*, uncovered the reality behind these so-called constitutional proposals when they stressed, time and again, during the discussions in the white Parliament, that this new constitution would maintain white superiority, that it did not represent a step towards equality between the races, that the Group Areas Act would remain and would be implemented by force, if necessary.

69. Furthermore, the black majority will not be represented in the three legislative chambers created by the Pretoria régime and will be able to practise their very limited rights only in the bantustans provided by the racist régime. The white minority agreed to the so-called constitutional proposals only after these and other assurances were published by the South African press at the time. Do we need any further confirmation or proof of the nature of these so-called proposals?

70. The specific danger of these so-called constitutional proposals in South Africa and of the elections that are to take place in a few days is that, in addition to being a new step in the institutionalization and strengthening of the *apartheid* régime, they represent a new attempt by the South African Régime to sow dissension and division among the domestic opponents of its policies, principally the black majority and those classified by the régime as Coloureds or Asians.

71. By these proposals which introduce a modicum of moderation to the inhuman policy of *apartheid*, the Pretoria régime is trying to hoodwink international public opinion and to escape its international isolation. However, we are fully convinced that the aims of the South African régime and its attempts, whether within or without South Africa, are doomed. The reason is that the downtrodden majority inside the country are fully aware of the trickery and schemes of the régime and know that the only way to eliminate the system of *apartheid*, and create a humanitarian democratic State in South Africa, is by opposing the régime with a united and consistent front. Similarly, international public opinion has reached sufficient awareness and maturity not to be tricked by this new mask, which will never manage to cover the ugly face of *apartheid*.

72. The eyes of the world, the eyes of the African continent and the millions of downtrodden people in South Africa are watching our deliberations and their results, since this Council represents the conscience of mankind and is facing an issue which weighs heavily upon its conscience. We hope that the resolution adopted by the Council will be a true reflection of the feelings of the great majority of people in the world: a denunciation of *apartheid* in all its forms and of any measure designed to entrench and institutionalize that policy.

73. Let that resolution clearly express that the conscience of mankind will no longer countenance the stigma of *apartheid*, which affects us all very deeply.

74. In conclusion, let our resolution be a clear indication to the whole world, and to the downtrodden people in South Africa in particular, that this Council truly deserves the confidence placed in it by the people of the world and that it is able to express their wishes and feelings.

75. The PRESIDENT *(interpretation from French)*: The next speaker is the representative of South Africa. I invite him to take a place at the Council table and to make his statement.

76. Mr. von SCHIRNDING (South Africa): Permit me, Sir, on behalf of the South African delegation, to convey to you our best wishes on your assumption of the presidency for the month of August.

77. This debate has no right, no right whatsoever, to be taking place. It concerns constitutional arrangements within the Republic of South Africa, and this is manifestly an internal affair. As such, in the unambiguous and explicit terms of the Charter of the United Nations, it is beyond the ambit of this or any other organ of the United Nations.

78. The fact that this debate has been called points but once again to the irresponsible nature of the anti–South African campaign at the United Nations, as exemplified again this morning by the hypocritical statements of the representatives of Algeria, India and Egypt. The promoters of this campaign are quite evidently concerned that they are continuing to lose ground. They have been thrown into utter disarray by the achievements recorded by the South African Government and they are now seeking to regroup by means of this irregular meeting of the Council. Those who persistently break the ground rules of the Organization will certainly not be persuaded by reasoned judgment. Of that we have no doubt. Prejudice is not inclined to yield to reason, and, through the decades, anti–South African prejudice has been entrenched and institutionalized here at the United Nations.

79. Does this meeting imply that the Council proposes henceforth to pronounce upon the constitutions of other Member States, or is this debate simply a further manifestation of the twisted logic of certain Member States which, in pursuing their vendetta against South Africa, will stop at nothing, even to the extent of blatantly violating the statute of this Organization?

80. By what authority do the majority of Members of the United Nations presume to speak on the subject of constitutions?

81. In one country after another, constitutions—both inherited and home-made—have simply been torn up and tossed aside. Time and again power has been assumed by political or military dictatorships and the people have had no say whatsoever in the matter. Coups have occurred so regularly that even serious students of international affairs have lost count of them.

82. The problems of government and of international relations have been greatly complicated by two developments that have occurred in the past generation. One of them is, of course, decolonization. Since the Second World War, more than 100 new States have come into being. Bequeathed with constitutions developed in far different circumstances by distant imperial Powers, often enclosed in arbitrarily drawn borders and ill-prepared to stand on their own in the testing circumstances of the modern competitive world, they have fought by and large a losing battle for harmony, stability, continuity and progress. Attempts by industrialized countries to assist them are widely regarded today as having been ill-conceived and misapplied, and the distance between the industrialized and non-industrialized worlds continues to widen.

83. The second complication is the problem existing in all quarters of the world today, of governing plural societies. The research of the United Nations itself has demonstrated the acuteness of this problem. In 1974, for example, a United Nations seminar held in Yugoslavia on the promotion and protection of the human rights of national, ethnic and other minorities concluded that assimilation

> "should not be forced on any minority, as it was a process that should depend exclusively on free will ... [It] implied a series of measures of direct or indirect coercion for the purpose of denationalizing minorities, negating the rights of individuals to their own identity ... and from that point of view it could be considered to approach the threshold of genocide."[1]

84. Those conclusions were quoted in a 1979 United Nations study on the rights of persons belonging to ethnic, religious and linguistic minorities. That study acknowledged that:

> "In nearly all the countries surveyed ... ethnic ... and linguistic groups generally show a desire to preserve their own characteristics and their own traditions, irrespective of the length of time during which they have lived under another culture."[2]

85. I do not think it is necessary to go on. Those facts are universally accepted but the United Nations has not had the courage to come to terms with the hard realities which exist in so many parts of the world.

86. South Africa rejects categorically any attempt to interfere in its internal affairs and will in no way be impressed or influenced by the farcical proceedings taking place here today. Nevertheless, for the sake of those Governments that have a genuine interest in the peace, stability and progress of the southern African region, I shall provide a brief outline of the constitutional developments taking place in South Africa and of the premises on which they are based.

87. South Africa seeks sincerely to come to terms with the complexities and realities of our sub-continent and with the challenges posed by our diversity. It does so not because of any exceptional insight or political wisdom, but much more simply because of its three centuries of experience with what is perhaps the most complex society on earth: a population composed al-

together of minorities—of white people, brown people, people of Asian origin and various black peoples; of Christians, Hindus, Muslims and pagans; of first-world and third-world peoples—but all of them human beings entitled to recognition of their human dignity.

88. It is a monstrous distortion to allege that blacks have been omitted from the political process. Whether this Council likes it or not, a substantial percentage of the black peoples of South Africa have themselves, years ago, opted for political independence. This was the clearest possible manifestation of their right to self-determination. Today there are four independent black States, whether or not the world chooses to recognize them. The time has now come to include in a meaningful way, in the overall pattern of multinational development and co-operative coexistence, the Coloured and the Indian peoples in the decision-making process. The approach to their case must of necessity be different owing to the different historical and cultural circumstances which pertain.

89. In 1976, the very year that the first black nation became independent, a report was issued by a commission appointed to investigate the condition of the Coloured peoples. One of its main conclusions was that a solution for them could not be found within the ambit of either the homelands or the Westminster system. That applied equally to the Asian community. In 1980, a President's Council—consisting of whites, Coloureds and Asians—was established to recommend a constitutional arrangement for those three communities. In the beginning its members held widely divergent views, but after 15 months of patient negotiation they came forward with a set of proposals. Those proposals eventually formed the basis of the Republic of South Africa Constitution Act, which was approved by the South African Parliament last year.

90. The new Constitution provides for a parliament of three houses—one for the white, one for the Coloured and one for the Indian communities. An Executive State President, chosen for a maximum term of five years by an electoral college of members of the three houses, will preside over the Cabinet. The Cabinet will have to implement general legislation passed by the whole parliament, legislation which has therefore been accepted by each house. No fixed numbers have been determined for Cabinet ministers from each population group, and merit will be the decisive consideration for appointments to the Cabinet.

91. Each house will deal with its own community affairs while matters of common concern will be submitted to all three houses. This is a system that is designed to do away with confrontational politics where parties are committed to opposition to one another. The emphasis will be on consensus, and to help achieve it there will be joint select committees representing both governing and non-governing parties on matters such as finance, justice, defence and foreign affairs. The committees, therefore, will have white, Coloured and Indian members, and it will be their task to discuss legislation about which there is disagreement among the houses. The purpose of these discussions will be to find a way to amend proposed legislation in such a way that it will be acceptable to the majority.

92. There will, in addition, be a President's Council that will act in an advisory capacity. It will also function as final arbiter in the event of the three houses of parliament failing to reach agreement on a specific piece of legislation. Where a deadlock occurs the State President may refer the various versions of a bill to the President's Council, whose task it will be to determine which version should become law. The President's Council will consist of 60 members of which 35 will be elected by the three houses and 25 by the State President. The opposition parties will also be represented in that President's Council.

93. That, in brief, is an outline of the proposed new dispensation. Overall, the constitutional architecture has a horizontal and a vertical aspect. Political power is being spread across the country's communities, through the autonomous institutions in their national states, to the black people's and now—through the new tricameral parliament—to the Coloured and Indian population groups. At the same time, political power is being delegated downwards from the first to the third —or municipal—level of government, and legislation has been passed granting black urban communities of comparable size local government powers as extensive as those of the cities of Johannesburg, Cape Town, Durban and Pretoria.

94. Last year the Prime Minister of my country appointed a special cabinet committee to investigate the position of black people living outside the national and independent states. This investigation is taking place in consultation with the leaders of the widest spectrum of opinion. It is a task to which the very highest importance and priority is attached. This is an area where there must—and will—be constructive development in the coming years. What the South African Government is seeking are structures that will provide for the political aspirations of all the peoples of South Africa, while protecting the rights of all minorities. Only last June, during a visit to Western Europe, the Prime Minister of South Africa stated:

> "I believe that we are creating a realisitic basis for productive political co-existence in South Africa. We have a long way to go and no wise statesman can give you a political blue-print for all time. To attempt to draw up such a blue-print would in any event be futile because it could only be based on today's realities. What is certain is that we are on a road leading to the broadening of democracy in South Africa, free from domination by any group, and each maintaining control over its own particular values and culture. In my opinion, we have the essential ingredients for a politically stable society in South Africa and I believe too that there is a will to succeed on the part of all concerned.

"What we are doing now is acknowledging the facts and circumstances in South Africa. After my own people's struggle against the colonial Power in southern Africa at the turn of the last century, we inherited a constitution in 1910 based upon the Westminster model. This constitution made no provision for the political rights and aspirations of the black and Asian peoples of South Africa and scant provision for the Coloured people. I want you to know that what is evolving in South Africa today is a process of devolution of power to the second and third levels of government, with joint discussions and consultation in matters of common concern. This is something which is worthy of note. We are working towards a form of confederation which we hope will satisfy to a greater extent the aspirations of our peoples than at present. This is our goal."

When this mammoth task has been accomplished there will be another and yet another, because progress is a continuing process.

95. But our purposes are crystal clear. We seek to secure fundamental rights—namely, the opportunity for men and women to be true to themselves and to their kind, and to be safeguarded against domination by others. The more specific goals may be summarized as follows: firstly, self-determination, with the focus on people and not on territory alone; secondly, autonomy for each community in the management of its own affairs and co-responsibility with others in managing common affairs; thirdly, maximum devolution of power so that grass-roots democracy will be encouraged and, in the words of the Prime Minister, government will be brought closer to the people; and fourthly, co-ordinated and extended economic development throughout the country—the establishment of the Commonwealth to which I have referred.

96. This, surely, is a bold and imaginative bid for the realistic and fair ordering of a most complex society. Surely it deserves, although it does not always receive, the support of democratic Governments. It is preposterous that it should be condemned by dictatorships, by one-party States and by régimes of one kind or another.

97. While most of the Member States of this Organization continue their rapid slide into increasing economic retrogression, while peoples of many of the countries of the world are today poorer, more hungry and less healthy than they were 25 or 30 years ago, the progress which South Africa's peoples are making is there for all to see. According to reliable estimates, 5 million children will die of starvation in Africa this year.

98. Little wonder, then, that there are at least 1.5 million foreign workers earning their living in South Africa. And most of them cross our borders illegally in search of the most fundamental human rights: food, shelter, clothing, work, medical facilities and education. By crossing our borders to find freedom from starvation and from social upheaval, they risk arrest.

99. In the majority of the countries which are Members of the United Nations there is irrefutable evidence that political freedom is becoming more restricted than ever before. This is the ultimate and supreme irony of today's debate. While South Africa is broadening the base of political participation at all levels, the Council arrogates to itself the right to pronounce upon the merits of South Africa's new Constitution.

100. This Organization's founders intended that the Council should deal objectively with grave issues of international peace and security. But the current meeting has absolutely nothing to do with international peace or security. On the contrary, it makes a mockery of the principles for which this Council was established. The United Nations has become widely known as an ineffectual organization, and with the current debate the Council has become an object of ridicule. This is an irregular meeting, an entirely uncalled-for meeting, and whatever decisions may emanate from the Council's proceedings, they will be irrelevant. Indeed, my Government rejects them in advance.

101. Mr. ARIAS STELLA (Peru) [*interpretation from Spanish*]: Mr. President, I should like first of all to congratulate you very cordially on the wise and intelligent way in which you have conducted the work of the Council this month. This is also a most appropriate occasion to ask you to convey to your Government the satisfaction of the Peruvian Government with the sovereign and nationalist decision recently adopted by your country to give a new name to the nation you represent.

102. I also take pleasure in extending sincere congratulations and thanks to the representative of the United States, Mrs. Jeane Kirkpatrick, for her wise conduct of the Council's work in July.

103. In a chapter dealing with the fundamental rights and duties of persons, the political Constitution of Peru establishes, *inter alia*, the following provision: "Every person has the right to equality before the law, without any discrimination by virtue of sex, race, religion, opinion, or language."[3] That norm accurately reflects the nature and special features of the Peruvian nation, a free and democratic society that has for many years been of mixed blood and multiracial and in which a multiplicity of ethnic and cultural nuclei distributed throughout our territory have lived together with rights and obligations that are enshrined in our laws and fully respected. Equality in Peru is thus understood as a reality inherent in the national identity of the country.

104. Therefore the Government and people of Peru find it incomprehensible and totally unacceptable that there should today exist in the world a community to which a legal and political organization based on racial classifications is applied. The clearest and most active testimony to our revulsion at the segregationist policy practised in southern Africa is provided by our participation in the Special Committee against *Apartheid*

and the Committee on the Elimination of Racial Discrimination, United Nations bodies to which we deem it an honour to belong.

105. Moreover, and this deserves profound thought, the overwhelming majority of members of the international community find it disheartening to see that circumstantial reasons and unrealistic approaches are still being used to explain why this daily and systematic affront to the dignity of man continues to be condoned. Condescension and silence, equivocation and the misleading use or non-use of the power of persuasion are making it increasingly difficult to find a peaceful way to move towards the profound changes needed in southern Africa, the first without any doubt being the need immediately, finally and unconditionally to eradicate racism in all its aspects.

106. I shall not dwell at length on an analysis or detailed comments on this subject. Much has been said and written on the unjust and inhuman system of *apartheid*, and we are all well aware of the situation. My delegation can add little. Other delegations will no doubt make these points lucidly and brilliantly. I shall merely confine myself to summing up my country's main positions.

107. First, we reiterate our vigorous condemnation of *apartheid* as an aberrant form of discrimination and domination that violently oppresses the majority indigenous population of South Africa and has stripped that population of its civil, political and social rights and, in general, of all its human rights.

108. Secondly, we unreservedly reject anything that implies the expansion, institutionalization, consolidation and perpetuation of the policy of *apartheid*.

109. Thirdly, the so-called constitutional reforms have clearly been designed to perfect the racist apparatus in its illegality. Apart from its content, which we feel is self-explanatory, in the recent consultations in which it is claimed the new arrangements were approved, the black population, more than 70 per cent of the demographic structure of the country, did not take part at all. Therefore, one can hardly speak of any kind of legitimacy in these and any other previous acts which for more than two decades have been aimed at building a society founded on injustice. It is unimaginable that we should come to believe that the thrust of these measures revealed some encouraging positive indication.

110. Consequently, just as the General Assembly did in adopting resolution 38/11 on 15 November 1983, the Security Council cannot now remain silent, nor can it in any way endorse such arrangements. My country firmly endorses this view.

111. In this connection I wish to make a final relevant remark. By virtue of the San Francisco Charter, the United Nations is required to ensure respect for human rights and fundamental freedoms without distinction as to race, religion, sex or language. *Apartheid* unquestionably falls under that category, and any attempt to implant it is therefore not a question of internal jurisdiction, particularly when one bears in mind that that jurisdiction in no way represents the 17 million persons who are the very victims of this reprehensible policy.

112. We sincerely believe it timely and necessary once again to emphasize the sense of responsibility and human solidarity of all the members of the international community in this regard. It has become a ritual always to agree in condemning *apartheid*. But it is regrettable that after so many years we are still faced with its gradual development and affirmation, while our unanimously expressed demands have failed to achieve its elimination. There are reasons for this, and the ones responsible are those who are called upon to commit themselves to decisive and direct political efforts. *Apartheid* will never be voluntarily relinquished by those who have brought it about.

113. The PRESIDENT: *(interpretation from French)*: The next speaker is Mr. Uddhav Deo Bhatt, Acting Chairman of the Special Committee against *Apartheid*. I invite him to take a place at the Council table and to make his statement.

114. Mr. BHATT (Acting Chairman of the Special Committee against *Apartheid*): Sir, I thank you and the other members of the Council for having given me the opportunity to speak in the Council on behalf of the Special Committee against *Apartheid*. Allow me to congratulate you on your assumption of the presidency for the month of August. I wish you all success in this important task.

115. I also wish to thank the representative of the United States for the able manner in which she conducted the Council's business last month.

116. On behalf of the Special Committee against *Apartheid*, I wish at the outset to express our categorical rejection of the attempt by the South African régime to impose a constitutional fraud on the oppressed people of South Africa.

117. The régime has announced that elections will be held on 22 and 28 August 1984 for segregated chambers to the pseudo-parliament for the so-called Coloured people and the people of Asian origin. The elections are only the prelude to the implementation of the new racist constitution which will come into effect on 3 September. According to this constitution the present all-white parliament will be replaced by one consisting of three racially segregated houses. Whites will elect 178 members, so-called Coloured people 85, and people of Asian origin 45, in their respective houses.

118. The new so-called constitution is devoid of legitimacy because it is not founded on the people's sovereignty. It is a racist document prepared by the few to be

imposed on the overwhelming majority of the country's population by means of violence and force, centralized and monopolized in the State machinery usurped by the racist régime. It is a monstrosity which excludes the African majority from the political process and denationalizes them through the inhuman policy of bantustanization. It is an abominable device that divides the black people on racial lines and deprives the overwhelming majority of the population of their fundamental human rights and freedoms instead of striving for equality, justice and freedom for all. It is a fraud that will inevitably invite violent conflict and civil strife.

119. This sham constitution is an attempt to give illusory power to some sectors of the population—a power which will be outweighed and nullified by whites in the parliament—to enlist those communities into military service against the growing resistance to *apartheid*, to create a potentially dictatorial white executive by conferring extraordinary powers on the President and to bring about a "final solution" by depriving the African majority of South African citizenship through the so-called homelands policy. Yet, insulting the intelligence of the international community, the *apartheid* régime has been propagating the fraudulent constitution as reform. The international community cannot be deceived by so-called reforms of *apartheid*. *Apartheid* cannot be reformed; it must be totally abolished.

120. Clearly, the new racist constitution is designed further to entrench and consolidate white minority rule in the country on the foundation of the criminal *apartheid* system. The imposition of such a constitution represents total defiance of all the purposes and principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights, and is an affront to the international community.

121. Last year, when the régime held an all-white referendum on the constitution, the General Assembly adopted resolution 38/11, declaring that the so-called "constitutional proposals" were contrary to the principles of the Charter, that the results of the referendum were of no validity whatsoever and that the enforcement of the proposed "constitution" would inevitably aggravate tension and conflict in South Africa and in southern Africa as a whole. In addition, at their conferences, the Movement of Non-Aligned Countries, the OAU and the countries of the Commonwealth have all resisted and condemned this racist constitution.

122. In South Africa the overwhelming majority of the so-called Coloured people and the people of Asian origin have decided to boycott the fraudulent elections. The history of the struggle against *apartheid* is the history of the deep solidarity that exists among the African majority and the so-called Coloured people and the people of Asian origin. The latest conspiracy by the régime will not succeed in subverting that unity which has been forged in the heart of the struggle. As has been demonstrated in South Africa in recent months, the massive opposition to the racist constitution is but a magnificent example of that unity. Yet, the régime has proceeded with the implementation of the so-called constitution without even holding a referendum among the people concerned—except for the whites. What was right for the whites was not deemed to be right for the so-called Coloured people and the people of Asian origin who had demanded the same treatment.

123. The *apartheid* régime remains a threat to the peace and stability of the southern African region as well as international peace and security. As long as *apartheid* exists, there shall be no peace or stability in the world.

124. The General Assembly has repeatedly declared that the United Nations and the international community have a special responsibility towards the oppressed people of South Africa. It has recognized the legitimacy of their struggle for the establishment of a non-racial democratic society free from racism. For its part, the Council too has recognized the legitimacy of the struggle for racial equality. It has characterized *apartheid* as a crime against the conscience and dignity of mankind.

125. In view of the present critical situation, the Special Committee against *Apartheid* requests the Council to take urgent action, in accordance with the Charter, with a view to rejecting and defeating this latest manoeuvre by the *apartheid* régime and in support of the oppressed people of South Africa in their struggle for racial equality, justice and dignity.

126. The PRESIDENT *(interpretation from French)*: The next speaker is the representative of Thailand. I invite him to take a place at the Council table and to make his statement.

127. Mr. KASEMSRI (Thailand): First of all, Sir, I should like to convey to you my delegation's sincere congratulations on your assumption of the presidency for the month of August. I am confident that, with your undoubted skill and diplomatic experience, the deliberations of the Council will proceed smoothly, with fruitful results. I also take pleasure on behalf of my delegation in seeing you, who have gained the respect and admiration of all your colleagues as representative of Burkina Faso, presiding over the deliberations of the Council.

128. I should like also to pay a warm tribute to your predecessor, Mrs. Jeane Kirkpatrick, representative of the United States, whose performance as President last month was a very distinguished performance of the highly important and often difficult duties of that office. Her performance deserves our esteem and deep appreciation.

129. My delegation is indeed grateful to you, Sir, and to the other members of the Council for the opportunity to participate in the debate on this important item. It is well known that all peace-loving countries in the international community, including Thailand, have been

seriously concerned about racial discrimination and *apartheid*, which continue to be practised in South Africa in violation of the Charter of the United Nations and of fundamental human rights, to the grave detriment of peace and international security, as well as of human dignity and civilized values. How can anyone, therefore, accuse others of hypocrisy when their actions are not only legitimate, but peace-loving? The accuser should instead examine his own actions, which are more deserving of such an epithet.

130. My delegation decided to ask to participate in the debate on this particular item for the following reasons.

131. First, my delegation is of the view that any further delay in taking appropriate measures to remedy the situation arising from *apartheid* in South Africa will undoubtedly aggravate not only the racial conflict within South Africa, but also tension in southern Africa and beyond. Moreover, my delegation notes with grave concern that the so-called constitutional proposals promoted by the Pretoria régime continue to defy the Charter and resolutions of the United Nations and to undermine not only the fundamental rights of the indigenous people, who form the overwhelming majority in South Africa, but also international peace and security in the southern African region as a whole. It is a known fact that South Africa has subjected Angola, Botswana, Lesotho, Mozambique, Seychelles, Zambia and Zimbabwe to subversion, military aggression, incursions and other forms of destabilization. Indeed, not only Pretoria's policies of *apartheid* but also its continued illegal occupation of Namibia, its defiance of United Nations resolutions, its brutal repression of the Namibian people, its acts of destabilization and aggression against independent African States constitute a threat to international peace and security, as recognized by the Bangkok Declaration adopted by the United Nations Council for Namibia on 25 May 1984 [*see S/16601, annex*].

132. Secondly, my delegation's position is quite clear: the Government of Thailand consistently opposes the policy of *apartheid* and the practices of racial discrimination in all forms. Moreover, Thailand continues to condemn Pretoria's policy of *apartheid* in South Africa and in Namibia, and to demand the cessation of such abhorrent practices. That is why my delegation voted in support of resolution 38/11, adopted by the General Assembly on 15 November 1983, in which it

> "*Requests* the Security Council, as a matter of urgency, to consider the serious implications of the so-called 'constitutional proposals' and to take all necessary measures, in accordance with the Charter, to avert the further aggravation of tension and conflict in South Africa and in southern Africa as a whole."

Thus, the authority of the Council is being invoked in accordance with that resolution.

133. Thirdly, the Government of Thailand has continuously supported and strictly adhered to all relevant resolutions adopted by the United Nations on South Africa. Thailand has no diplomatic relations with the Pretoria régime and has voluntarily imposed a trade embargo against it since 1978. Thailand, therefore, shares the legitimate concerns of the international community on this matter and is able to participate, side by side with the African States, in the Council debate on the basis of its own commitments and actions.

134. Finally, since Thailand is an Asian country, it is my delegation's commitment to express its concern over the inclusion in the so-called constitutional proposals of the so-called Coloured people and the people of Asian origin, as so named by *apartheid* South Africa. My delegation is of the view that the Pretoria régime has attempted to lure the so-called Coloured people and the people of Asian origin away from the black majority, with the intention of creating division among them and of making the so-called Coloured and the Asian people unwitting instruments in the oppression against their black brethren, as well as in aggressive acts launched by Pretoria against the neighbouring front-line States.

135. With regard to the item before us, my delegation takes note with grave concern that the Pretoria régime's so-called constitutional proposals of November last year will inevitably worsen the status and impair further the fundamental rights of the indigenous African majority, which numbers over 20 million people, and that the so-called referendum of 2 November was conducted only among the ruling white minority of 2.7 million people.

136. The so-called constitutional proposals constitute yet another act of repression against the majority. As such they are another in the agonizing series of endless measures of discrimination and cruelty against the black people of South Africa. Those measures have included the execution and incarceration of African patriots, in defiance of all humanitarian principles and appeals from the international community. They also include indiscriminate attacks on, and massacres of, civilian refugees in neighbouring countries. Such actions must never be condoned by the world, but must instead be condemned by all mankind, regardless of the excuses and pretexts given by the perpetrators of those acts.

137. The so-called constitutional proposals must therefore be regarded as having no legal validity and as being impossible for other States to recognize. Thailand, for one, will not grant them any recognition.

138. Furthermore, unilateral actions by the South African authorities to impose any so-called negotiated settlement on the majority of the population, or any part thereof, should be considered as null and void *ab initio*, and whatever the outcome of such unlawful actions it should also be so regarded.

139. In conclusion, my delegation pledges once again that the Thai Government will stand shoulder to shoulder with the Group of African States on this issue to bring about the complete eradication of *apartheid* and the establishment of a non-racial democratic system in South Africa on the bases of majority rule, justice, freedom, equality and human dignity.

140. The PRESIDENT *(interpretation from French):* The next speaker is the representative of Argentina. I invite him to take a place at the Council table and to make his statement.

141. Mr. MUÑIZ *(interpretation from Spanish):* First, Sir, I should like to say how pleased I am to see you presiding over the Council's work. Our countries are united by bonds of sincere friendship, and I assure you that you can count on the full co-operation of my delegation in the discharge of your lofty duties.

142. I also thank Mrs. Kirkpatrick for her effective conduct of the Council's work last month.

143. In addition, Mr. President, I thank you and the other members of the Council for giving me this opportunity to address the Council on the question of the constitutional proposals of South Africa.

144. Argentina's policy of rejecting all forms of racial discrimination is well known. It has lasted since we began our life as an independent nation 174 years ago, and it has been reiterated by my Government in all international forums, including the Council. Argentina has also actively participated in the elaboration of international instruments on the matter.

145. On 15 November 1983 the General Assembly adopted resolution 38/11, in which it

> "*Declares* that the so-called "constitutional proposals" [of South Africa] are contrary to the principles of the Charter of the United Nations, that the results of the referendum are of no validity whatsoever and that the enforcement of the proposed "constitution" will inevitably aggravate tension and conflict in South Africa and in southern Africa as a whole."

The resolution was adopted with 141 votes in favour —that is, by the vast majority of the Member States, including Argentina—none against, and only 7 abstentions.

146. The reason for the international community's rejection of the proposals can be of no surprise to anyone. Even a superficial analysis of the proposals shows that they are designed to perpetuate the *apartheid* régime instead of eliminating it, that they would tend to destroy the unity of the oppressed people of South Africa, thereby maintaining the supremacy of the white minority in power, and that they seek to gain acceptability for the policy of bantustanization, with the direct harm that that implies for the majority of the population of South Africa.

147. *Apartheid*, the very idea of which seems inconceivable at the end of the twentieth century, is a régime that is intrinsically inhuman and reprehensible, and one which has been defined as a crime against mankind. A legal system of this kind is incapable of improvement through amendments. Discrimination based on racial grounds cannot be improved, weakened or diluted in any way. The only way to deal with this practice is to bring about its complete and final elimination.

148. Argentina can accept no justification for a legal régime which condemns the vast majority of the population of South Africa to live like foreigners in their own country and, moreover, to be denied their fundamental human rights by discrimination based on racial grounds.

149. The policy of bantustanization, which the so-called constitutional proposals would consolidate, is designed precisely to deprive still further that majority of its inalienable rights and citizenship.

150. These policies are being implemented through increased repression and imprisonment of political, labour union and student leaders of the South African national movement. Their clear injustice strongly suggests that the spiral of violence will increase.

151. We are convinced that the promotion and protection of fundamental human rights constitute the cornerstone of the effective solution of the problems affecting the oppressed people of South Africa.

152. South African persistence in maintaining its racist system, and even in trying to refine it through the so-called constitutional proposals, as well as its refusal to end its illegal occupation of Namibia, are the cause of the tensions in southern Africa, with their consequent negative effects on international peace and security.

153. We believe that the Council is called upon to discharge its responsibilities in this matter. My country will comply with any resolutions adopted by the Council, as it has in the past with Security Council resolutions 418 (1977), 421 (1977) and 473 (1980).

154. I conclude by reaffirming the solidarity of the people and the Government of Argentina with the oppressed people of South Africa. One of the most important and noble tasks of the United Nations is to steer the efforts of the international community towards the complete and final elimination of *apartheid*, through the establishment of a democratic, just society in South Africa, free from all discrimination. Argentina undertakes to continue to co-operate in efforts to that end.

155. The PRESIDENT *(interpretation from French):* The next speaker is the representative of Nigeria, whom I invite to take a place at the Council table and to make his statement.

156. Mr. ONOBU (Nigeria): Sir, since this is the first time the Nigerian delegation is speaking at these extraordinary meetings of the Council, we take this opportunity to congratulate you on your assumption of the presidency for the month of August. My delegation is optimistic that your well-known diplomatic skills and leadership qualities will successfully guide our deliberations and enable the Council to take concrete measures on this important and pressing issue of which it is seized.

157. My delegation wishes to address itself briefly to the shocking and intolerable situation existing in South Africa which continues to threaten international peace and security. After more than 300 years of bondage, slavery and colonialist criminality, racist South Africa now celebrates and glorifies anew in the subjugation and oppression of the majority of its population. In addition to its traditional colonialist posture, *apartheid* South Africa has today put in place a savage, sordid and barbarous structure of racism, oppression and exploitation. The shameless apostles of *apartheid* have turned a country that the writer Alan Paton in ecstasy once called "my beloved country" into a nation of temporarily homeless and denationalized people. South Africa has been turned into a country of refugees, as well as a community of tortured, terrorized and harassed people. The racist régime has turned a beautiful sub-region into a *gulag*, ruling by blood and iron, destabilizing contiguous States and poisoning, electrocuting and systematically eliminating a set of people valiantly struggling for national self-determination and civilized and democratic rule.

158. Our task at these meetings of the Security Council is clear. The Council must pronounce decisive judgement on the latest charade and manoeuvres of racist South Africa. The moral task before the Council is that it must unequivocally condemn and reject this absurdity and this singular act of hypocrisy and racism in the form of the so-called "new constitution" being promulgated by racist South Africa. This mischievous "constitution" was endorsed on 2 November 1983 by an exclusively white electorate in total indifference to, and total denial of, the interests and the rights of over 90 per cent of the population of South Africa. This exclusive electorate is not wrong because it is white, but wrong because its mentality is racist, its actions Fascist, its rule totalitarian, its soul corroded by hate and bigotry. It is this South Africa that the whole world and all men of good will and conscience reject and abhor.

159. The "new constitution" of racist South Africa begins thus: "In humble submission to Almighty God, who controls the destinies of peoples and nations"; and it goes on to state as the first of its national goals its intention "To uphold Christian values and civilized norms, with recognition and protection of freedom of faith and worship".

160. The Nigerian delegation, and indeed all members of the international community, shudder at this brazen declaration of Pretoria's hypocrisy. Let it be said here that South Africa is not a nation founded in God. Its values are completely antithetical to the teaching of love and humanity preached by all the great religions of this world. Its coercive and brutal methods are against all civilized societal norms.

161. This morning we listened to the statement of the representative of South Africa. It was unrepentant and unapologetic about racism and racial discrimination, about *apartheid* and about oppression. The agent of Pretoria insulted the wisdom of the Council and poured scorn on the propriety of the agenda for these meetings, saying that it was irregular. It is clear, therefore, that South Africa will never change its ways unless it is forced to do so.

162. Yet it is also evident that *apartheid* South Africa is given life-blood and strengthened by those who believe in "constructive engagement" and other forms of co-operation with it. Racist South Africa defies the international community because it can get loans and other kinds of support sponsored by a constellation of powerful States, because it facilitates the plunder of Namibia's resources by transnational corporations and because it is also said to be a bulwark against a supposedly dangerous ideology.

163. There are mutterings in the camp of the mentors of racist South Africa that the "new constitution" is a progressive step. It is obvious that it is not.

164. The so-called new constitution of racist South Africa is an instrument of further entrenchment of racism, for so many reasons: first, it was adopted by a racially bigoted and unrepresentative minority of the population; secondly, it seeks to aggravate the socio-political and economic tensions in South Africa; thirdly, it ranks races in a despicable tricameral system that arbitrarily nominates the whites as the master race, Coloured as second class, Indians and Asians as third class, and implicitly nominates a fourth class in their ignominious ranking of humanity; fourthly, it denationalizes the indigenous populations by not only divesting them of their civil and political rights but also creating a landless alien people out of them, and bares the hideous face of racist South Africa by again reinforcing the theory and practice of *apartheid*, a crime against humanity; and fifthly, it is not a constitution but a manifesto on racism.

165. That is why the delegation of Nigeria believes that the Security Council has no choice but to reject the so-called new constitution, to reject the impending fradulent August elections set out by racist Pretoria under the "new constitution", to build a solid international consensus against *apartheid* and racism and to apply comprehensive and mandatory sanctions against racist South Africa in order to compel that country to

dismantle *apartheid* if it is ever to be re-admitted to the civilized coummunity of nations.

The meeting rose at 1.20 p.m.

NOTES

[1] *Study on the rights of persons belonging to ethnic, religious and linguistic minorities* (United Nations publication, Sales No. E.78.XIV.1) para. 293.

[2] *Ibid.*, para. 245.

[3] *Constitutions of the Countries of the World*, Peru, September 1989, Oceana Publications, Inc., Dobbs Ferry, New York.

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